

REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments and arguments set forth fully below. Claims 1, 4 and 6-31 were previously 5 pending in the instant application. Within the previous Office Action, Claims 1, 4 and 6-31 have been rejected. By way of the above amendments, Claims 1, 25, 26 and 27 have been amended. Accordingly, Claims 1, 4 and 6-31 are now pending in this application.

The Applicants' attorneys would like to thank Examiner Pond for his time and courteousness during the telephone interview on Thursday, March 8, 2007. During the interview, 10 differences between the present invention and the cited references were discussed.

Rejections Under 35 U.S.C. § 102(e)

Within the Office Action, Claims 1, 4, 6, 11-31 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,754,636 to Walker (hereinafter "Walker1") 15 which incorporates U.S. Patent No. 5,794,207 to Walker (hereinafter "Walker2"). Applicants respectfully disagree.

Walker1, Walker2 and their combination teach a purchasing system and method wherein a buyer takes possession of a product at a retailer. The purchasing system communicates with a buyer through a communication network to establish a first price for a product between the buyer 20 and a seller. The buyer provides a payment, based on the first price, to the purchasing system in exchange for the right to take possession of the product at the retailer. [Walker1, Abstract] Furthermore, Walker1 teaches the purchasing system compares an offer price, a settlement price and in some instances a supplemental price to determine if a deal is made. [Walker1, col. 8, lines 25 4-17] Supplemental price information includes subsidies by other parties such as a manufacturer, a retailer or another party. [Walker1, col. 8, lines 17-19] The subsidy is not only a dollar amount but it can be contingent on an action of the buyer such as signing up for a credit card. [Walker1, col. 8, lines 19-30]. The subsidy taught by Walker1 is set up before any part of the transaction takes place between the buyer and the retailer. Walker1, Walker2 and their combination do not teach allowing a third party to dynamically participate in the transaction as the transaction is 30 happening. Having a subsidy contingent on an action of the buyer is not a counter offer. A counter offer is an offer made in response to a previous offer by the other party. Therefore, Walker1, Walker2 and their combination do not teach enabling the third party to dynamically facilitate consummation of the transaction between the first and second parties by transmitting a

counteroffer from the third party via the wide area network, after receiving the bid price and the first ask price. Furthermore, Walker1, Walker2 and their combination do not teach selectively providing information relating to a plurality of bids on a transaction site to a third party.

5 In contrast to the teachings of Walker1, Walker2 and their combination, the present invention is directed to a computer-implemented method for dynamically facilitating transactions in a wide area network. When the buyer's bid price and the seller's ask price are equal, the deal is consummated without third party facilitation. When the bid and ask price are separated by a spread, an interested third party is capable of acting as a deal facilitator. The third party facilitates the deal by transmitting an acceptance or a counteroffer to either the buyer or the

10 seller, after receiving the bid price and the ask price. The interested third party is capable of dynamically participating in the transaction and making individualized decisions based on the current market and the individual consumer. The interested third party is dynamic and need not consist of a static entity. As described above, Walker1, Walker2 and their combination do not teach enabling the third party to dynamically facilitate consummation of the transaction between

15 the first and second parties by transmitting a counteroffer from the third party via the wide area network, after receiving the bid price and the ask price. Walker1, Walker2 and their combination also do not teach selectively providing information relating to a plurality of bids on a transaction site to a third party.

20 The independent Claim 1 is directed to a computer-implemented method for facilitating transactions in a wide area network. The method of Claim 1 comprises providing information relating to a transaction between a first party and a second party to a third party via the wide area network, the information including a first bid price associated with the first party and a first ask price associated with the second party and enabling the third party to dynamically facilitate consummation of the transaction between the first and second parties by *transmitting a*

25 *counteroffer or an acceptance* from the third party via the wide area network, after receiving the first bid price and the first ask price, and enabling the third party to cover at least part of a first difference between the first bid price and the first ask price. As described above, Walker1, Walker2 and their combination do not teach enabling the third party to dynamically facilitate consummation of the transaction between the first and second parties by transmitting a

30 counteroffer or an acceptance from the third party via the wide area network, after receiving the first bid price and the first ask price. For at least these reasons, the independent Claim 1 is patentable over the teachings of Walker1, Walker2 and their combination.

Claims 4, 6 and 11-24 are dependent on the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Walker1, Walker2 and their combination. Accordingly, Claims 4, 6 and 11-24 are all also allowable as being dependent on an allowable base claim.

5 The independent Claim 25 is directed to a computer program product for facilitating transactions in a wide area network. The product of Claim 25 comprises at least one computer readable medium and computer program instructions stored in the at least one computer readable medium for causing at least one computer to provide information relating to a transaction between a first party and a second party to a third party via the wide area network, the
10 information including a bid price associated with the first party and an ask price associated with the second party and enable the third party to dynamically facilitate consummation of the transaction between the first and second parties *by transmitting a counteroffer or an acceptance* from the third party via the wide area network after receiving the bid price and the ask price, and enabling the third party to cover at least part of a difference between the bid and ask prices. As
15 described above, Walker1, Walker2 and their combination do not teach enabling the third party to dynamically facilitate consummation of the transaction between the first and second parties by transmitting a counteroffer from the third party via the wide area network after receiving the bid price and the ask price. For at least these reasons, the independent Claim 25 is patentable over the teachings of Walker1, Walker2 and their combination.

20 The independent Claim 26 is directed to a method for facilitating transactions in a wide area network. The method of Claim 26 comprises selectively providing information relating to a plurality of bids on a transaction site to a third party via the wide area network, a first one of the bids involving a first party and a second party, the first bid including a bid price associated with the first party and an ask price associated with the second party, *transmitting a response from the third party to one of either the first party or the second party via the wide area network, the response comprising a counteroffer or acceptance* covering at least part of a difference between the bid and ask prices, wherein the third party dynamically facilitates consummation of the transaction after receiving the bid price and the ask price, and notifying the other of the first party or the second party of the response via the wide area network. As described above, Walker1,
25 Walker2 and their combination do not teach enabling the third party to dynamically facilitate consummation of the transaction between the first and second parties, after receiving the bid price and the ask price, by transmitting a counteroffer from the third party via the wide area network. Walker1, Walker2 and their combination also do not teach selectively providing
30

information relating to a plurality of bids on a transaction site to a third party. For at least these reasons, the independent Claim 26 is patentable over the teachings of Walker1, Walker2 and their combination.

5 The independent Claim 27 is directed to a method for facilitating transactions in a wide area network. The method of Claim 27 comprises selectively providing information relating to a plurality of bids on a transaction site to a third party via the wide area network, a first one of the bids involving a first party and a second party, the first bid including a bid price associated with the first party and an ask price associated with the second party, *transmitting a response from the third party to one of the first party or the second party via the wide area network, the response comprising a counteroffer* covering at least part of a difference between the bid price and the ask price, wherein the third party dynamically facilitates consummation of the transaction after receiving the bid price and the ask price, and notifying the other of the first party or the second party of the counteroffer via the wide area network. As described above, Walker1, Walker2 and their combination do not teach enabling the third party to dynamically facilitate consummation of 10 the transaction between the first and second parties, after receiving the bid price and the ask price, by transmitting a counteroffer from the third party via the wide area network. Walker1, Walker2 and their combination also do not teach selectively providing information relating to a plurality of bids on a transaction site to a third party. For at least these reasons, the independent 15 Claim 27 is patentable over the teachings of Walker1, Walker2 and their combination.

20 Claims 28-31 are dependent on the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Walker1, Walker2 and their combination. Accordingly, Claims 28-31 are all also allowable as being dependent on an allowable base claim.

25 **Rejections Under 35 U.S.C. § 103(a)**

Within the Office Action, Claims 7-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker1 which incorporates Walker2 in view of U.S. Patent No. 5,710,887 to Chelliah (hereinafter “Chelliah”). Claims 7-10 are all dependent on the independent 30 Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Walker1, Walker2 and their combination. Accordingly, Claims 7-10 are all also allowable as being dependent on an allowable base claim.

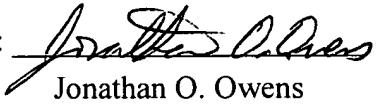
PATENT
Attorney Docket No.: NEXTA-00308

For the reasons given above, the Applicant respectfully submits that Claims 1, 4 and 6-31 are all in condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, he is encouraged to call the undersigned at (408) 530-9700 to discuss them so that any outstanding issues can be expeditiously resolved.

5

Respectfully submitted,
HAVERSTOCK & OWENS LLP

10 Dated: March 28, 2007

By: 
Jonathan O. Owens
Reg. No. 37,902

Attorneys for Applicant(s)